IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

J U D G M E N T

Brindawan Vs. Jagan Nath Prasad

S.B. CIVIL SECOND APPEAL No.63/1993 against the judgment & decree dated dated 6.3.1993 passed by the ADJ, Hindon city in Civil Appeal No.78/1992 (51/1985)

Date of Judgment :: May 16, 2006

PRESENT
HON'BLE DR. JUSTICE VINEET KOTHARI

Mr.S.K. Gupta for the appellant-defendant.
Mr. P.C. Shah for the plaintiff-respondent.

BY THE COURT:

1. The appellant Brindawan present in Court along with his counsel. He has filed an undertaking in the Court to the effect that he would construct a `Pakki Nali' of 1'(one foot) width along the eastern side of his house and would also install drainage pipes from the roof top so that drainage of water drains down through roof top in such Nali. He has further given undertaking that in future if the respondent or his successor-in-interest constructs any building on his land and on account of such construction the ventilators or projections thereon (chhaja), if they are closed on account of such construction the appellant or his successor-in-interest shall not be entitled to raise any objection and no such objection will be raised.

2. Learned counsel for the respondent who has been supplied a copy of this undertaking does not object to this position.

3. In view of this the present second appeal is disposed of in terms of such undertaking. The decree of the trial court as well as Appellate Court is modified to this extent and be drawn accordingly. No order as to costs.

(Dr.VINEET KOTHARI),J.

VS/